

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/988,280

AMENDMENTS TO THE DRAWINGS

Applicant is submitting herewith 13 replacement sheets of formal drawings.

Attachment: 13 Replacement Sheets

REMARKS

Claims 1-20 have been examined. Claim 20 has been rejected under 35 U.S.C. § 101, and claims 1-20 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has objected to the claims due to informalities. Accordingly, Applicant has amended the claims in a manner believed to overcome the objections. Applicant submits that such amendments do not narrow the scope of the claims and are not made in view of the prior art.

Also, on the Office Action Summary, the Examiner has indicated that the drawings are accepted. However, a Notice of Draftsperson's Patent Drawing Review was attached to the Office Action objecting to the drawings. Applicant is submitting herewith formal drawings believed to obviate the listed informalities. However, in the comments section of the Drawing Review, the reviewer requests Applicant to remove all page numbers. The only page numbers provided indicate drawing pages 1/13 to 13/13. As set forth in 37 C.F.R. § 1.84(t), such numbering of drawing pages is proper. Accordingly, Applicant has not removed the page numbers. Rather, Applicant has amended the *location* of the page numbers so that all numbers appear in the middle of the top of each sheet.

II. Rejection under 35 U.S.C. § 101

The Examiner has rejected claim 20 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Accordingly, Applicant has amended claim 20 in a manner believed to overcome the rejection.

III. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,317,718 to Fano (“Fano”) in view of U.S. Patent No. 5,797,089 to Nguyen (“Nguyen”), U.S. Patent No. 6,523,040 to Lo et al. (“Lo”) and Official Notice.

The Examiner has rejected claims 1, 6, 9, 10, 12, 17, 18, 19 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fano, Nguyen, Lo and Official Notice.

A. Claims 1, 10, 12 and 20

Applicant submits that claims 1, 10, 12 and 20 are patentable over the cited references. For example, the claims recite that stock information, representing a stock of commodities dealt by a determined store, is accessed and acquired.

The Examiner maintains that the Fano reference discloses the above feature. However, Fano merely identifies stores that sell items of a “type” selected by a user, and lists which items may be available at a store (i.e., men’s casual pants, women’s formal shoes, etc.) (col. 47, lines 41-44 and 48-52). On page 4 of the Office Action, the Examiner maintains that such disclosure “implies” that stock information is accessed and acquired. Applicant submits, however, that just

because a store is indicated as having black dress shoes available (i.e., it sells black dress shoes), such information does not indicate that actual “stock information” is accessed (i.e., how many shoes, or what size of shoes, etc.), or that such stock information is subsequently sent to the user, as recited in the claimed methods. In other words, a user is not provided with information as to whether the types of items, that are available at the store, are actually in-stock or not in-stock.

Since the Nguyen and Lo references fail to cure the deficient teachings of Fano, Applicant submits that claims 1, 10, 12 and 20 are patentable over the cited references.

B. Claims 6, 9 and 17-19

Since claims 6, 9 and 17-19 are dependent upon one of claims 1 and 12, Applicant submits that claims 6, 9 and 17-19 are patentable at least by virtue of their dependency.

IV. Rejection under 35 U.S.C. § 103(a) in view of Fano, Nguyen, Lo, Official Notice and Stacklin (“Allen Telecom Hopes Wireless 911 Rings up Business”) (“Stacklin”)

The Examiner has rejected claims 2, 3, 13 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fano, Nguyen, Lo, Official Notice and Stacklin. However, since claims 2, 3, 13 and 14 are dependent upon claim 1 or claim 12, and Stacklin fails to cure the deficient teachings of Fano, Nguyen and Lo, in regard to claims 1 and 12, Applicant submits that claims 2, 3, 13 and 14 are patentable at least by virtue of their dependency.

V. Rejection under 35 U.S.C. § 103(a) in view of Fano, Nguyen, Lo, Official Notice and U.S. Patent No. 5,732,354 to MacDonald ("MacDonald").

The Examiner has rejected claims 4, 5, 11, 15 and 16 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fano, Nguyen, Lo, Official Notice and MacDonald. However, since claims 4, 5, 11, 15 and 16 are dependent upon claims 1, 10 or 12, and MacDonald fails to cure the deficient teachings of Fano, Nguyen and Lo, in regard to claims 1, 10 and 12, Applicant submits that claims 4, 5, 11, 15 and 16 are patentable at least by virtue of their dependency.

VI. Rejections under 35 U.S.C. § 103(a) in view of Fano, Nguyen, Lo, Official Notice and U.S. Patent No. 6,654,726 to Hanzek ("Hanzek").

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fano, Nguyen, Lo, Official Notice and Hanzek. However, since claims 7 and 8 are dependent upon claim 1, and Hanzek fails to cure the deficient teachings of Fano, Nguyen and Lo, in regard to claim 1, Applicant submits that claims 7 and 8 are patentable at least by virtue of their dependency.

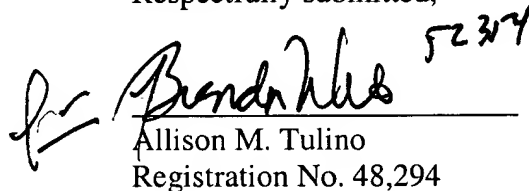
Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/988,280

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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